

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

**PATRICIA GAGE,**

**Plaintiff,**

**v.**

**VISION PATH, INC.**  
**D/B/A HUBBLE CONTACTS,**

### Defendants.

**Civil Action No.:** \_\_\_\_\_

## JURY DEMANDED

## NOTICE OF REMOVAL

COMES NOW the Defendant, Vision Path, Inc., by and through undersigned counsel, and files its notice of removal pursuant to 28 U.S.C. § 1441, 28 U.S.C. § 1446, and 28 U.S.C. § 1332 based on the following grounds.

1. This suit originated in the Circuit Court of Haywood County, Tennessee, having been filed on August 10, 2022. The case was originally styled as *Patricia Gage v. Vision Path, Inc. d/b/a Hubble Contacts*, Docket No. 4755.

2. Defendant was served with a summons and a copy of the Complaint on August 16, 2022. No responsive pleadings to the Complaint in the Circuit Court have been filed. Removal of this action is timely under 28 U.S.C. § 1446(b) because this Notice of Removal is filed within 30 days of service of the initial pleading upon Defendant.

3. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders filed in the Circuit Court as of the filing of this Notice of Removal are attached hereto as collective Exhibit A.

4. Venue is proper as this suit may be removed to this Court because any civil action for which a district court has original jurisdiction may be removed by the defendant to the district court for the district and division embracing the place where such action is pending. 28 U.S.C. § 1441(a).

5. Because the Defendant has satisfied the procedural requirements for removal and this Court has jurisdiction over this action, as discussed more fully below, this case is properly removed to this Court.

6. Removal of this action is based upon the diverse citizenship of the parties as set forth in 28 U.S.C. § 1332.

7. The Plaintiff is a citizen of Tennessee, as she alleges in her Complaint. *See* Complaint, ¶1.

8. A corporation has the citizenship of its state of incorporation and the state in which its principal place of business is located. 28 U.S.C. § 1332(c)(1). Defendant is a Delaware corporation with its principal place of business located in New York, as alleged in Plaintiff's Complaint. *See* Complaint, ¶ 2.

9. Since Plaintiff is a citizen of Tennessee and Defendant is not a citizen of Tennessee, complete diversity exists between the parties, and this Court may properly exercise jurisdiction over Plaintiff's claims.

10. The amount in controversy exceeds \$75,000, as evidenced by the Prayer for Relief in Plaintiff's Complaint. *See* Complaint, ¶ 50(a).

11. In compliance with 28 U.S.C. § 1446(a), a copy of the Notice of Filing Notice of Removal that will be filed in the Circuit Court of Haywood County, Tennessee is attached as Exhibit B.

12. In compliance with 28 U.S.C. § 1446(d), Defendant is serving Plaintiff with written notice of removal of this action.

Based upon the foregoing, the case is properly removed to the United States District Court for the Western District of Tennessee in the Eastern Division at Jackson pursuant to 28 U.S.C. §1441.

Respectfully submitted this 14th day of September, 2022.

Respectfully submitted,

**HALL BOOTH SMITH, P.C.**

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*Attorney for Defendant Vision Path, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that on September 14, 2022, a true and correct copy of the foregoing document was filed with the Clerk of the Court using the ECF System, which sent notification of such filing to the following, and further certify that a true and accurate copy of the foregoing was served via U.S. Mail, postage prepaid, and via e-mail, to counsel of record as follows:

Joshua D. Moore  
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*Attorney for Plaintiff*

Signed: s/Julia M. Kavanagh